

Application No. 10/065,437  
Amendment. dated August 12, 2003  
Reply to Office action of May 14, 2003

### **REMARKS**

Claims 1-20 remain in this application.

The Examiner has objected to the quality of the drawings. Copies of the formal drawings are being resubmitted to address the Examiner's concerns about the quality of the drawings in the file.

The Examiner has objected to reference character 100 and 104 being used inconsistently in the specification. The Examiner is thanked for the careful examination given to this application. The specification has been amended to make it conform to the drawings and to maintain consistency in terminology throughout. In view of the changes to the specification, no changes to the drawings are necessary to fully respond to the Examiner's concerns.

The Examiner has rejected Claim 1 for failing to have an antecedent basis for the limitation "said rigid differentiation plate." Again, the Examiner is thanked for the careful examination given to this application. Claim 1 has been amended to address the Examiner's section 112 concerns, and the word "rigid" has been deleted from the claim.

The Examiner has rejected claims 1, 2 and 6 under 35 U.S.C. § 103 as being obvious with respect to the Paterson et al. reference.

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When examining a claim for obviousness, each and every limitation of the claim must be considered. To omit just one limitation of one element of a claim is a failure to consider the claim as a whole, as is required by the statute.

There is a limitation in claim 1 which has been omitted from consideration. Claim 2 builds upon that limitation, as does claim 6.

Claim 1 includes the limitation to the differentiation plate having an exposed first section which is parallel to the faceplate and an exposed section which *forms an edge of said first end* ..... The Paterson reference does not teach this exposed section which *forms an edge of said first end*. The reference to the first end is a reference to the first end of a housing of a PC. There is nothing in the Paterson reference which teaches a differentiation plate with orthogonal sections where one is parallel to the faceplate and another is orthogonal AND FORMS AN EDGE TO THE HOUSING OF THE PC.

As stated above, each and every limitation must be considered in order to consider the claim as a whole, as is required by 35 U.S.C. §103. Consequently, when the claim is considered as a whole, and each and every limitation of the claim is fully considered, it becomes apparent that the Paterson reference fails to establish a prima facie case of obviousness because it does not show the limitation of two orthogonal sections to the differentiation plate where one section *forms an edge of the first end of the housing of the PC*.

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In the penultimate full sentence at the bottom of page 3 of the office action, the Examiner states: "any shape differentiation plate ....would accomplish the same purpose." The Examiner appears again to overlook the above limitation to forming an edge of the housing of the PC. Clearly, an L-shape differentiation plate is not just any shape. The L-shape is a plate having 2 orthogonal sections where one of them can form an edge of the housing of the PC.

Claim 6 includes a limitation to the edge being a top edge of the housing of the PC. Again, this notion that the differentiation plate has two orthogonal sections with one that forms an edge of the housing of the PC is key to understanding the differentiation between claim 6 and claim 1.

The Examiner has rejected claims 7-14, 19 and 20 as being obvious with respect to Paterson and Varghese.

Claims 7, 11 and 19 each have limitations relating to differing colors of the differentiation plate and differing functional characteristics of the PCs. These notions are not taught or suggested by the cited references.

More specifically, claim 7 includes the limitation:

"wherein said first and said second industrial PC each  
include a non-identical differentiation plate thereon,  
*where a difference between each non-identical*

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*differentiation plate is representative of a difference  
of said first primary functional characteristic and  
said second primary functional characteristic;"*  
(emphasis added)

There is no teaching about using the differentiation plate to differentiate functional aspects of the PCs. Paterson talks about using logos, etc. to indicate the manufacturer of the PCs. In fact, the Paterson reference teaches away from the above limitation. In column 2 lines 29-35, the logos are used to indicate a difference between "*functionally identical PCs 14.*"

Claim 11 similarly includes a limitation to a third PC with a third functional characteristic and a third differentiation plate which has a non-identical color with respect to the color of the first differentiation plate.

Claim 19 includes in its last paragraph the limitation of visual differentiation as a function of functional differences between two computers.

Again, the cited references teach away from this because the cited reference teaches differing markings for PCs with substantially identical functional characteristics.

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The Applicants believe that when these claims are considered as a whole, and each and every claim limitation is considered, then it should be clear that the cited references fail to establish a prima facie case of obviousness.

The Applicants respectfully request reconsideration of all of the obviousness rejections.

The Examiner has rejected claims 1-6 and 11-18 for double patenting. A terminal disclaimer is enclosed to address this rejection.


Claims 3 and 15 have been rewritten in independent form and include all of the limitations of their base claim and any intervening claims. Claims 3-5 and 15-18 were only rejected for double patenting and are now presented for reconsideration and allowance.

Claim 5 has been amended to correct a minor typographical error made at the time of the original filing of this application.

The Applicants are confident that once the Examiner carefully reviews this matter, it will be clear that the application is in condition for allowance, and early notification of the same would be much appreciated.

Respectfully submitted.

BY:

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, on this 13th day of August, 2003.

  
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Marian Palmersheim